

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

Plaintiffs,

V.

MICHAEL A. PRATE, INC.

Defendant.

Case No. 13 C 3755

Judge Der-Yeghiayan

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On June 25, 2013 this Court entered an Order of Default against the Defendant for its failure to answer to the complaint.
3. The Defendant submitted the monthly contribution reports, but failed to submit the ERISA contributions shown to be owed, and failed to report 165 hours and submit contributions on behalf of carpenter Jeffery Wood. The total contributions owed is \$69,941.00. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$4,344.20 for the period March 2013 through April 2013. A, affidavit of John Libby)
4. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$309.17 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit A)

5. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$1,588.58 for the period March 2013 through April 2013 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit A)

6. The Defendant owes the sum of \$3,088.08 for necessary and reasonable attorney fees and costs of \$455.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit B, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of **\$79,726.03**.

Respectively submitted,

s/ DANIEL P. McANALLY
Attorney for Plaintiffs

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